THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.12696 of 2006

DATED: 26.06.2006

Between:
Shaik Ghousiya Begum. .. PETITIONER

versus

The Municipal Corporation of Kadapa,
represented by its Commissioner,
Kadapa and two others. .. RESPONDENTS

WRIT PETITION NO.12696 of 2006

ORDER:

Heard both the learned counsel.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in seeking to demolish the house bearing door No.6/382 situated at Gandolla Chelamayya Street belonging to the petitioner, as illegal and arbitrary and contrary to the procedure envisaged under the provisions of Sections 146 and 147 of the Hyderabad Municipal Corporation Act, 1955 and contrary to guidelines framed in the case of Pilli Lakshamana Rao vs. Executive Officer, Gram Panchayat reported in 2000(5) ALT 246 and also violative of principles of natural justice and consequently direct the respondents not to demolish the house bearing door No.6/382 situated at Gandolla Chelamayya Street belonging to the petitioner without following due process of law and pass such other suitable orders.

3. It is stated that the petitioner is the owner of the property. Several of the factual details had been narrated in paragraphs 3 to 5 in the affidavit filed along with the Writ Petition. The main grievance of the petitioner is that without following due of process of law, the

respondents are making serious attempts to carry on the demolition activity relating to the subject of the Writ Petition, i.e., house bearing door No.6/382 situated at Gandolla Chelamayya Street.

4. It is needless to say that the respondents are bound to follow the due process of law before taking up any action of demolition. In view of the same, the Writ Petition is disposed of with a direction to the respondents not to proceed with any demolition activity of the subject matter of the Writ Petition viz., house bearing door No.6/382 situated at Gandolla Chelamayya Street, belonging to the petitioner, unless and until they follow due process of law. There shall be no order as to costs.

26.06.2006

SSR

Issue order copy in two days.

(BO)